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CHARLES ELMORE

IN THE

Supreme Court of the United States

OCTOBER TERM, 1947.

No. 506

A.B.T. MANUFACTURING CORPORATION,
Petitioner,

vs.

NATIONAL SLUG REJECTORS, INC.,
Respondent.

PETITION FOR REHEARING.

Re Petition for Writ of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

CLARENCE E. THREEDY,
Attorney for Petitioner,
111 West Washington Street,
Chicago, Illinois.

THE DUNTHORP-WARREN PRINTING COMPANY, 210 WEST JACKSON, CHICAGO

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To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

MAY IT PLEASE YOUR HONORS:

One of the four questions presented in the petition for writ of certiorari filed in this court as of January 2, 1948, was:

> "1. Did the Circuit Court of Appeals correctly interpret Sec. 4886 of the Revised Patent Statutes, 35 U.S.C. 31, in holding that, for a device to be patentable, the statute *'exacts nothing more'* than *'novelty and utility'?"*

This question directly affects the construction of the patent statute.

This court in *Mercoid Corporation* v. *Mid-Continent Investment Company*, 320 U. S. 661, 60 USPQ 21 at 24, and in innumerable other decisions, has held that *the public interest is dominant in the patent system.*

Because of the presence of this dominating interest, the petition for writ of certiorari heretofore prayed for should be allowed, if for no other reason than to decide whether or not the Circuit Court of Appeals for the Seventh Circuit has correctly interpreted the patent statute, Section 4886, which is a part of that patent system *dominated by the public interest.*

Respectfully submitted,

A.B.T. MANUFACTURING CORPORATION,
Petitioner.

By CLARENCE E. THREEDY,
Its Attorney.